

Matthew Wade Gilmer,
Matthew Wade Gilmer & Associates
2110 S20th Street, Suite C
Gulfport, MS 39501
228-215-0000

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
AT JACKSON

**BARRY GILMER, BY AND
THROUGH HIS NEXT OF KIN
AND DULAY APPOINTED
ATTORNEY IN FACT,
MATTHEW GILMER**

Plaintiffs

v.

**RANDALL TUCKER, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY
AS SHERIFF OF MADISON COUNTY,
MISSISSIPPI; PAMELA HANCOCK,
INDIVIDUALLY AND IN HER OFFICIAL
AND CAPACITY AS PROSECUTOR
FOR MADISON COUNTY, MISSISSIPPI;
DAWN BIGGERT, INDIVIDUALLY AND
IN HER OFFICIAL CAPACITY AS
A DETENTION OFFICER EMPLOYED
BY MADISON COUNTY, MISSISSIPPI;
SCOTT STRAIT, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS
LIEUTENANT SHERIFF OF MADISON
COUNTY, MISSISSIPPI;
MADISON COUNTY, MISSISSIPPI;
JOHN DOE SURETY COMPANY;
LLOYD SPIVEY, IN HIS OFFICIAL
CAPACITY AND OFFICIAL CAPACITY;
CAPACITY; JAMES HENDRIX;
JAMES WHITEHEAD;
JACKSON JAMBALAYA;
AND JOHN DOES 1 THROUGH 25**

Defendants

Case No.

3:25-cv-59-CWR-ASH

COMPLAINT

*Jury trial demanded under
Fed. R. Civ. P. 38(b)*

COMES NOW, Plaintiff, Barry Gilmer (“Barry”) and alleges as follows:

Introduction

1. This cause of action arises from Barry Wade Gilmer’s (“Barry”) January 24, 2024 wrongful arrest, false imprisonment, cruel and unusual punishment, assault, constitutional deprivation of Barry’s right to the counsel of an attorney, constitutional deprivation of medical care and unlawful conspiratorial acts committed by the Defendants captioned above.

2. This cause of action is for money damages and injunctive relief brought pursuant to 42 U.S.C §1983 to redress the deprivation under the color of state law of Barry’s established rights as secured by the Fourth, Sixth, Eighth, Fourteenth and Sixteenth Amendments of the United States Constitution against Randal Tucker, Dawn Biggert, Scott Strait and others in their respective capacities as both individuals and duly elected or appointed law enforcement officers of Madison County, Mississippi for their violation of Barry’s right to be free from the use of excessive force, cruel and unusual punishment, false arrest, trespass / unlawful search, unlawful seizure, right to counsel with an attorney and deliberate deprivation of medical care. This cause of action is also brought against Madison County, Mississippi for its unconstitutional policies, customs, and/or practices under *Monell*¹ and its progeny.

¹ *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 701 (1978)

Jurisdiction And Venue

3. This Court has jurisdiction over federal questions pursuant to 28 U.S.C. §1331, 1343, and 42 U.S.C. §1983, 1988 as well as violations of the rights guaranteed to Plaintiff, particularly infringement upon Fourth, Sixth, Eight, Fourteenth and Sixteenth Amendments of the United States Constitution. Any other claims are derived from a common nucleus of operative fact such that the relationship between the federal claims alleged herein and any alleged state claim permits the conclusion that the entire action before this Court comprises but one constitutional case pursuant to 28 U.S.C. § 1367 and applicable authorities which interpret the same. All claims against state actors are either federal in nature or exempt by the plain language of the Mississippi Torts Claim Act. Plaintiff alleges jurisdiction over Spivey, Hendrix, Whitehead, and Jackson Jambalaya under the doctrine of supplemental jurisdiction.

4. Venue is proper in this Court under 28 U.S.C. §1391(b) because all incidents, events, acts, omissions, occurrences and events giving rise to this action occurred in the Southern District Of Mississippi. Also, upon information and belief, all of the parties reside in this Judicial District.

The Parties

5. At all times relevant hereto Barry Gilmer was a citizen of the United States and the County Of Madison, State Of Mississippi.

6. Defendant, Randall Tucker, is the Sheriff of Madison County, Mississippi, and is a bona fide adult resident citizen of Madison County, Mississippi. Defendant Randall Tucker was at all times material acting both individually and as the Sheriff of Madison County, Mississippi. As chief law enforcement officer for Madison County, Mississippi, Defendant Tucker's actions

89 constitute, in part, both the policy and officially condoned action of Madison County, Mississippi,
90 thus rendering Madison County, Mississippi, liable to Plaintiffs in this lawsuit as a political entity.

91 7. Defendant, Scott Strait, is a Lieutenant Sheriff Of Madison County, Mississippi,
92 and is a bona fide adult resident citizen of Madison County, Mississippi. Defendant Scott Strait
93 was at all times material acting both individually and as the Lieutenant Sheriff of Madison County,
94 Mississippi charged with administration and operation of the Madison County Detention Center.
95 As a law enforcement officer and administrator for Madison County, Mississippi, Defendant
96 Strait's actions constitute, in part, both the policy and officially condoned action of Madison
97 County, Mississippi, thus rendering Madison County, Mississippi, liable to Plaintiffs in this lawsuit
98 as a political entity.

99 8. Defendant Lloyd Spivey, III, "Spivey" is bona fide citizen of citizen of Canton,
100 Madison County, Mississippi, whose residential address is 361 Peace Street, Canton, Madison
101 County, Mississippi, 39046. At all times material hereto, Spivey was acting as an individual and
102 judge without jurisdiction.

103 9. Defendant Jackson Jambalaya is a regularly updated website or webpage known as a
104 blog that publishes information about the Jackson, Mississippi Metro Area. Said webpage
105 constitutes a business organized by the laws of the state of Mississippi, and may be served with
106 process by serving its owner and sole publisher, James Hendrix, or James Whitehead, who are each
107 one in the same. Upon information and belief, Whitehead changed his name to avoid public record
108 issues concerning accusations of inappropriate conduct concerning young children.

109 10. John Doe Surety Company is a corporation unknown to Plaintiffs at this time but is
110 amenable to the process and jurisdiction of this Court by virtue of having qualified to business

herein and having provided a performance bond to Defendant Randall Tucker within the State of Mississippi.

FACTUAL ALLEGATIONS

A. History of the Gilmer family, the Justice Court, and the Madison County Sherriff's Department

11. From 2000 until present day, Randall "Randall" Tucker ("Tucker") has been employed by the Madison County, Mississippi Sherriff's Department (Sheriff's Department") or the duly elected Sheriff of Madison County, Mississippi.

12. Since 1989 until present day, Barry Gilmer or his son Matt have owned land in Madison County, Mississippi. On April 14, 2006, at approximately 4:00 p.m., Matt, a student at Ole Miss at that time, together with five other college students, were shooting skeet on the east end of Barry W. Gilmer's land which is located at 300 Catlett Road in Madison, Mississippi. Matt and the other college students were trained in firearm-safety and experienced in competitive skeet shooting. The line of fire was from a lake's dam towards the west, which was an uninhabited 300-acre area which was owned entirely by Barry at that time. Therefore, there was no physical possibility of injury to persons or property. At that time, the Sheriff's Department unlawfully arrested Barry. Barry was released later that day.

13. After Barry was released, he was transported to his property on Catlett Road by an attorney who had posted his bail. Barry rejoined Matt and Matt's college friends who had gathered together because they were concerned about Barry's well being given the unlawful and violent nature of Barry's arrest. After Barry explained the situation, Barry asked his son to tell his friends to leave so Barry could go to bed. As Matt's friends were leaving Matt and Barry's

133 house, at least 5 Sheriff's Deputies entered upon Barry's land and blocked the gated entrance
134 which is located on Catlett Road. The deputies refused to allow any of the college students to
135 leave the property. Three other the patrol cars then entered further onto Barry's property and
136 surrounded Matt and Barry's home in a "SWAT" style action.

137 14. During the SWAT raid, the Sheriff's Department arrested Matt and Barry and
138 placed them in the back of the same squad car and left the Sheriff's Department radio on. Sheriff's
139 Deputies could be heard discussing that the Sheriff's Department had Matt and Barry in custody,
140 but had to "find something" to make the arrest valid. The Sheriff's Department began searching
141 the entire Gilmer property including multiple houses, heavy machinery, garages, and vehicles. The
142 extensive search extending as much as 100 yards beyond the house and took and place while Matt
143 and Barry were handcuffed in the same patrol car or en route to the jail. The search was conducted
144 not for the purpose of providing for the safety of the excessive police force set upon Matt, Barry
145 and the Gilmer property, but was carried out illegally in the hope that contraband might be
146 discovered and used as a basis for Matt and Barry's illegal arrest and the illegal search and seizure
147 of the property. Several witnesses to the event reported that the Deputies were instructed to "find
148 something" at the property. Despite these extensive and illegal efforts, the Sheriff's Deputies found
149 no incriminating evidence whatsoever during their extensive, illegal, and warrantless search of the
150 property.

151 15. After Matt and Barry were arrested, Barry was once again transported to the
152 Madison County Detention facility and was charged with disorderly conduct, disobeying a law
153 enforcement officer and contributing to the delinquency of a minor. Barry was detained at the

154 Madison County Detention Center until approximately 6:00 a.m. April 15, 2006, when he was
155 released from custody after posting another cash bond.

156 16. Matt was transported to Oxford, Mississippi, by a Sheriff's Deputy and arrived in
157 Oxford, Mississippi, at approximately 5:00 a.m. on April 15, 2006. The Sheriff's Department
158 claimed the right to arrest Matt flowed from an arrest warrant issued by the City Of Oxford,
159 Mississippi. The Sheriff's Department concealed the warrant from Matt and his attorneys for some
160 time. Eventually a warrant was produced that was issued by the City Of Oxford for a traffic
161 violation, and the warrant was limited to execution within the city limits of Oxford only and only
162 by law enforcement possessing jurisdiction within the confines of the City Of Oxford.

163 17. Ultimately, all charges against Barry were dropped as a matter of law. The City Of
164 Oxford admitted that the warrant was the result of a computer glitch resulting from power loss due
165 to historical Hurricane Katrina.

166 18. Following the arrests of April 14, 2006, Barry undertook an investigation of these
167 events. During this investigation, it was uncovered that Sheriff's Department, particularly a deputy
168 and Sheriff Toby Trowbridge, conspired with one another to fabricate baseless charges against
169 Barry before Barry came in the presence of law enforcement. One deputy admitted that he
170 fabricated the charge of resisting arrest and that Barry had done nothing wrong. The facts
171 discovered during this investigation clearly establish that the Sheriff's Department ordered Barry's
172 arrest and selected the charges at a time before law enforcement first encountered Matt or Barry.
173 As a result, the Sheriff's Deputies unlawfully trespassed upon Barry's private property and laid in
174 wait for Matt and Barry to arrive so they could charge one or both of the Gilmers with a crime
175 which did not exist. The Deputies and Sheriff Trowbridge fabricated the charges against Barry,

176 falsely arrested Barry and Matt, falsely imprisoned Barry, and falsely extradited Matt without the
177 color of law. This happened after Sherriff Trowbridge and deputies conspired with each other to
178 accomplish an unlawful plan with reckless disregard for Matt and Barry's safety and well-being.

179 19. Upon further investigation, Barry discovered that some members of the Sheriff's
180 Department habitually and repetitiously engaged in a course of conduct specifically designed and
181 calculated to cause many others to be charged with nonexistent crimes and misdemeanors similar
182 to the events described above, while on the other hand failing and refusing to charge or arrest other
183 individuals who commit offenses in their very presence basing the election to charge and arrest
184 upon social status, economic status, political influence, wealth and privilege, or the lack thereof.

185 20. Barry's investigation uncovered a deliberate course of wrongful conduct, pattern
186 and practice carried out by the Madison County Sherriff's Department including but not limited
187 to:

- 188 1. Fabrication of false charges of disorderly conduct, resisting arrest, disobeying a law
189 enforcement officer, disturbing the peace and other misdemeanors when the
190 arresting deputy desires to charge a person but has no legal basis for any charge;
- 191 2. Fabrication of alcohol related charges by falsely asserting breathalyzer refusal when
192 the test in fact shows no violation but the deputy desires to convert the case to a
193 nonexistent DUI refusal charge;
- 194 3. Fabrication of alcohol possession charges by minors or open container laws;
- 195 4. Fabrication of facts and circumstances to attempt justification of savage jail house
196 beatings of inmates or recent arrestees when said persons are completely innocent
197 of engaging in provoking behavior, committing a criminal offense at the time of the
198 beatings or placing law enforcement personnel in danger of harm;

- 199 5. Burning of medical records and other papers in an attempt to avoid proof of claims
200 of inmates for willful neglect of inmate medical needs, withholding of prescribed
201 medications, intentional infliction of injuries, beatings and other abuses;
- 202 6. Formation and maintenance of a "Goon Squad" for the purpose of carrying out
203 physical beatings with issued equipment such as weighted gloves and other devices;
- 204 7. Denying recent arrestees access to cash money removed from the arrestee so as to
205 prevent the arrestee from posting bond and refusing to accept corporate surety bond
206 as bail;
- 207 8. Knowingly allowing certain personnel to lie relating to personnel matters while
208 terminating the employment of others for related offenses;
- 209 9. Gender and race discrimination in personnel matters relating to maintenance,
210 promotions, and termination of employment.

211 21. At the time of the raid on Barry and Matt's house, Sherriff's deputies could be heard
212 over law enforcement radio accusing Matt of evading current Lieutenant Tommy Strait
213 ("Lt. Strait") who presently runs the Madison County Detention Center ("Jail").
214 Comments were made over the radio that Lt. Strait was aggravated that he was unable
215 to apprehend Matt when Strait he suspected Matt of engaging in lawful sexual activity
216 with Matt's girlfriend while on Matt's property. Matt confirmed this as of 2024 by
217 telephone conversation with Strait and the same was recorded.

218 22. In 2007, Madison County Sheriff's Deputies premeditated a search and
219 seizure of Matt in Jackson, Mississippi. Specifically, George Elliot and approximately five
220 Sherriff's Deputies pulled a vehicle over in which Matt was a guest passenger. The stop
221 occurred on Briarwood Drive, Jackson, Mississippi. Sheriff's deputies restrained Matt to

222 the rear of a police SUV and brandished a baton. The Sheriff's Deputies then threatened
223 to "beat [Matt's] teeth down his throat" if Matt did not furnish information that would
224 incriminate or otherwise help the Sherriff's Department prevail over Barry regarding the
225 SWAT raid and Barry's investigation of the Jail. Matt declined and Matt was arrested and
226 was charged with minor in possession of alcohol. At least three people witnessed Matt's
227 unlawful interrogation and arrest.

228 23. The Sherriff's Department insisted that Matt be prosecuted. In the first
229 trial, the Madison County Justice Court found Matt guilty of minor in possession of alcohol
230 despite (a) no alcohol was presented as evidence; and (b) the entire arrest and interrogation
231 occurred in Hinds County, Mississippi. Matt appealed the Justice Court judgment to the
232 Madison County, Mississippi County Court. The charge against Matt was summarily
233 (instantly) dismissed because the presiding judge ruled that the Sherriff's Department had
234 no jurisdiction in Hinds County, Mississippi and there existed no evidence that Matt was
235 in possession of alcohol because the Sherriff's Department did not collect any evidence.

236 24. In 2011, Tucker announced his candidacy for Madison County, Sheriff and
237 issued the following statement to the media "As Madison County Sheriff, I will continue
238 the high level of law enforcement and justice Madison County residents expect and have
239 enjoyed under Sheriff Toby Trowbridge." Also, Barry was the largest financial donor
240 opposing Tucker, or in other words, Barry made large contributions to Tucker's opponent.
241 Nevertheless, Tucker was elected Sheriff and was sworn into office January 1, 2012.

242 25. In 2014, Matt became an attorney licensed to practice law in all state and
243 federal courts in the State Of Mississippi. Upon doing so, Matt began taking on legal cases
244 as a sole proprietor in the usual fashion of a young attorney, cases such as misdemeanors
245 and uncomplicated divorces. Matt often appeared before the Madison County Justice Court
246 as an attorney. In 2016, Pamela “Pammi” Hancock was sworn into office as the Madison
247 County Prosecutor, aka the prosecutor for the Madison County Justice Court. Shortly after
248 becoming elected, Pammi called Matt and accused Matt of conspiring with an elected judge
249 and another elected official to lower Pammi’s prosecutorial salary. Unbeknown to Matt,
250 Pammi’s salary exceeded \$100,000 per year and Pammi was allowed to maintain her
251 normal, private law-practice which also generated additional income. Pammi threatened to
252 sue Matt and expressed total disdain for Matt and his father, Barry. Matt pleaded with
253 Pammi that (a) Matt did not know about any plan to lower her salary; and (b) Matt, as a
254 young attorney, would never contact judges and elected officials and attempt to persuade
255 such people to commit unlawful acts as alleged by Pammi. Despite Pammi’s unfounded
256 allegations, others did address Pammi’s salary to the Madison County Board Of
257 Supervisors, and the Supervisors reduced Pammi’s salary. Again, Matt had no knowledge
258 of these events and did not participate in the same.

259 26. From that point forward, each time Matt had trial in the Madison County
260 Justice Court, Matt and his clients were treated in manner inconsistent as compared to
261 other attorneys and their clients. In simple terms, Pammi made her scorn for Matt and Barry
262 known among the public and the local bar (attorneys). Also, even though Pammi accused
263 Matt of conspiring to defeat her salary, Pammi never recused herself as prosecutor over

264 cases in which Matt or Barry served as the defendant's attorney or when Barry was a named
265 defendant.

266 27. In 2017, a controversy between Barry and a younger attorney arose resulting
267 from the younger attorney stealing research and office supplies from Barry's office. The
268 young attorney alleged Barry snatched a file from the younger attorney's hand as he was
269 leaving Barry's office for the last time. The controversy evolved into Barry being charged
270 with a misdemeanor in the City Of Madison Municipal Court. All judges recused
271 themselves. Madison County Justice Court Judge Marsha Weems Stacey claimed to be
272 appointed special judge despite the nonexistence of an appointment order. Judge Stacey
273 held a trial where three witnesses testified that Barry was not guilty of any wrongdoing.
274 Nevertheless, Justice Court Judge Marsha Weems Stacey found Barry guilty. Barry
275 appealed Judge Stacey's ruling and was found not guilty during the appeal. The younger
276 attorney is listed as "in active" pursuant to the Mississippi Bar's website. Upon information
277 and belief, the younger lawyer exited the practice of law in fear of the filing of various bar
278 complaints. In sum of the city court issue, Madison County Justice Court Judge Marsha
279 Weems Stacey exhibited biasness and malice toward Barry and the same was obvious when
280 she convicted Barry of a baseless crime with zero supporting evidence.

281 28. On Easter Weekend 2018, Matt and his personal friend and close trusted
282 financial advisor were vacationing at Matt's lake house on the Ross Barnett Reservoir,
283 Madison County, Mississippi. At approximately 10:00 PM, multiple Sheriff's Deputies
284 entered upon Matt's property in SWAT style fashion and seized Matt and his guest. Matt
285 and the guest were instructed to sit in the driveway until the Sheriff's Department "decided

whether or not [they] were going to arrest” Matt and his guest. The guest was instructed to stay outside the house or be arrested. As time passed, other law enforcement agencies intervened, particularly Reservoir Patrol. The Sheriff’s Department refused to inform Reservoir Patrol as to why Matt and his guest were unlawfully arrested. Reservoir Patrol contacted its shift commander who instructed the Sheriff’s Department that no probable cause existed and the Sheriff’s Department was in error. Matt revealed that the entire incident was being recorded, pointed to a surveillance camera, and the Sheriff’s Department immediately left with Matt and the guest still under seizure in the driveway. Matt called the Sherriff’s Department and was told that he was no longer required to sit in the driveway and someone had made an improper telephone call as opposed to using the Sherriff’s radio / dispatch system. No reason was given why the Sheriff’s Department was considering Matt’s arrest, or what probable cause existed to enter upon Matt’s property like a SWAT team – again.

29. After the Easter Weekend incident, Matt made it known to the community that he still considered Madison his home but would be focusing on his Tennessee endeavors because he was tired of the repetitious pattern and practice of gestapo like abuse from the Sherriff’s Department and the incompetency displayed by the Madison County Justice Court and Madison County Sheriff’s Department.

30. In 2019, the Madison County Justice Court issued a warrant for Matt’s arrest claiming that Matt brandished a firearm at his home in Madison County, Mississippi and threatened to kill a man allegedly delivering a package. At the time of the alleged crime, Matt was out of the state. Nevertheless, Matt was required to post a \$1,000 cash bond, and

trial was set for May, 2024. At trial, Pammi Hancock engaged in her usual pattern and practice of making Matt and his witnesses wait several hours so she could clear the courtroom before the trial. Pammi routinely does this so the public will not learn of her corrupt and conspiratorial practices as prosecutor and coconspirators, Randall Tucker and the Sheriff's Department.

B. Facts relating to Barry Gilmer and his recent assault.

31. At the time of the filing of this civil action, Barry Gilmer is seventy-eight years of age, infirm, non-compos mentis, and deemed a vulnerable person pursuant to Miss. Code. §43-47-1 *et seq.* In 2018, Barry was considered a man of good reputation for competency, honesty and good standing before all Mississippi State Courts, all United States District Courts in Mississippi, the Fifth Circuit Court of Appeals in New Orleans and the United States Supreme Court in Washington, D.C.

32. In 2018, Barry was accused of discharging a firearm into a dwelling while lawfully located on an eight-seven-acre tract of land owned by Matt. Barry alleged that a vicious dog was attacking him, and he discharged the firearm into the ground to deter the dog. Barry was prosecuted by Pammi in the Madison County Justice Court, Judge Lloyd Spivey, III, presiding, ("Spivey"). Spivey found Barry guilty and sentenced him to jail. Barry appealed to the County Court Of Madison County, Mississippi. Pammi remained the prosecutor.

33. At the County Court, Barry was convicted in his absence while he was confined to a hospital. Pammi, despite having knowledge of Barry's health issues, insisted

329 that the trial proceed. The dog case was ultimately appealed to the Mississippi Court Of
330 Appeals. During the appellate process, Barry lawfully remained out of custody by posting
331 bail.

332 34. In December 2020, while the dog case was ongoing, Barry was involved in a
333 motor vehicle accident causing Barry to sustain a fractured skull, traumatic brain injury,
334 total destruction of his rotator cuff (shoulder), multiple fractures to the spine, and multiple
335 broken ribs, including the diagnosis of flail chest. Barry was required to wear a body-cast
336 for a protracted period of time as well as undergo multiple invasive surgical procedures
337 including but not limited to the installation of orthopedic hardware to reconstruct Barry's
338 shoulder. At all times material hereto, Defendants were on notice of Barry's infirmities
339 because Barry's lawyer provided Sheriff Tucker and other Madison County officials
340 pictures of Barry in the body cast. Additionally, the motor vehicle accident occurred in
341 Madison County, Mississippi and was attended to by the Sheriff's Department and other
342 Madison County support personnel.

343 35. On January 16, 2024 the Mississippi Court Of Appeals "COA" rendered its
344 Opinion affirming Barry's criminal conviction from the dog case. At all times material hereto, the
345 COA retained jurisdiction of the case and Barry remained lawfully out of custody and free from the
346 jurisdiction of any lower court, arrest warrant or any other jailtime scenario. Nevertheless, on
347 January 24, 2024 Spivey, acting as an individual and without the color of law, deliberately forged a
348 writ of mittimus ("Bogus Warrant") for the unlawful seizure and arrest of Barry. Upon information
349 and belief, the same was orchestrated with the assistance of Pammi Hancock. In fact, Barry's
350 lawyer spoke with Pammi about it and Pammi said she was sure "they jumped the gun" because

351 the COA retained jurisdiction of the case. In relation to the above quotation, Pammi was
352 referencing herself and Spivey.

353 36. Spivey and Pammi unlawfully uttered and distributed the Bogus Warrant among
354 honest peace officers who were ignorant of the void nature of the Bogus Warrant. Upon information
355 and belief, the Bogus Warrant was intentionally and exclusively provided to peace officers who
356 Barry believed to be good and honest elected officials. As a result, agents of Madison County
357 entered upon Matt's property, made contact with Barry and seized Barry's person and Matt's
358 property proceeding under the false color of law deliberately misrepresented by Spivey, Pammi and
359 the Bogus Warrant. At said time and place, Barry was non compos mentis, had just underwent
360 diagnostic testing forty-eight hours prior for lapses of reality and fainting spells, and was suffering
361 from a mind-altering urinary tract infection. Also, Barry did not possess a valid driver's license
362 nor did Barry own a vehicle. Still, Madison County instructed Barry submit to the seizure and drive
363 himself to the Jail. The same was done by law enforcement escort, or in other words, Barry's body
364 and Matt's property remained under unlawful seizure brought about by the Bogus Warrant.

365 37. When Barry arrived at the Jail, Sheriff Tucker, Lt. Strait, and other agents of
366 Madison County continued Madison County's seizure of Barry and placed Barry in the custody of
367 Madison County, Sherriff Randall Tucker, Lt. Strait and other John Doe Defendants. Then,
368 Tucker, Strait, and the other agents of Madison County deliberately continued prevailing upon
369 Barry's unsound mind and infirm body, and through deliberate misrepresentation, convinced Barry
370 that Barry must serve a twelve-day jailtime sentence as the ward of Madison County, Randall
371 Tucker, Lt. Strait and other John Doe Defendants. The public record reflects that Barry's arrest
372 was for incarceration and for no other reason under the color of law. Barry, being a vulnerable adult,

373 a person of advanced age, and non-compos mentis, was cooperative with the Bogus Warrant and
374 the misrepresentations of the above-named Defendants.

375 38. Upon intake at the Jail, Barry was deliberately deprived of proper medical attention
376 by Madison County, Tucker, and Lt. Strait. The same was brought about by the condition of the
377 Jail, which at all times material hereto, was under the administration, dominion and control of
378 Madison County and Sheriff Tucker. The acts and omissions accessioned by the condition of the
379 Jail included but was not limited to no physical evaluation of Barry, no mental evaluation of Barry,
380 and no investigation into Barry's necessity of daily healthcare needs, medications, and discovery
381 of other medical information indispensable to humanely incarcerate a vulnerable, infirm person of
382 advanced age such as Barry.

383 39. From January 24 until January 26, 2024, Barry remained in the custody of and the
384 ward of Madison County, Tucker, Lt. Strait, and other John Doe Defendants. At the same time,
385 said Defendants and other Madison County agents continued in their failure to investigate Barry's
386 health or otherwise attend to Barry's medical needs, including the administration of daily
387 medications and treatment of the ongoing mind-altering infection. Upon information and belief,
388 Barry was suffering from innumerable mind-altering infirmities including but not limited to a mind-
389 altering unitary tract infection, deprivation of mind-altering medications, and ongoing mind-
390 altering complications brought about by Barry's traumatic brain injury, advanced age, and
391 Defendant's deliberate deprivation of medical care.

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B. BARRY'S ASSAULT

40. On January 26, 2024 Tucker, Lt. Strait, Madison County and other John Doe Defendants beat Barry nearly to death. Barry's injuries include but are not limited to:

- A. Diaphragmatic traumatic hernia (blunt force penetrating trauma to the gut with internal bleeding);
- B. Hemothorax (internal bleeding of the chest cavity);
- C. Acute blunt trauma to the kidney with internal bleeding;
- E. Comminuted fracture of the right scapula body and coracoid process (multiple shoulder fractures and inoperable shoulder injuries);
- F. Multiple comminuted rib fractures on the right, with ribs 3-7 broken in 2 places consistent with flail chest (Detached Torso);
- G. T12 Compression Fracture (Serious Broken Back);
- E. Blunt trauma to the chest;
- F. Exacerbation of serious infection;

Below is an excerpt from Barry's medical chart:

Trauma Surgery History and Physical

Name: Barry Wade Gilmer
Date of Birth: 9/10/1946
MRN: 1290260
Location: UH MM23/23 MM23
Admission Date: 1/29/2024

Trauma Activation: Bravo Paged @ 2106

Subjective

History of Present Illness

77 y.o. male brought in by Ground EMS from scene s/p Assault by prison guards . Three days ago, patient was assaulted in prison by guards. Per EMS, patient suffered a UTI, became agitated, and attempted to fight a female prison guard during his incarceration. He sustained blunt trauma to the chest and abdomen. He was

C. Tucker's representation to the media

41. On January 26, 2024, Jackson Jambalaya, by and through its sole owner and journalist, James Hendrix, formerly James Whitehead, ("Tabloid Defendants") published an article bearing the title "Thug Attorney Assaults Female Jailer". According to Tucker and the Tabloid Defendants, Barry beat a female jailer without provocation, Barry was subdued by a taser, and Barry was returned to his cell. The Tabloid Defendants claimed that Barry was left alone with a female jailer, that Barry's cell door was left open, and that Barry beat the jailer with a breakfast tray. Tucker and the Tabloid Defendants published zero facts regarding the Goon Squad style beating that nearly took Barry's life. Tucker and the Tabloid Defendant's publication is the first time Barry's attorney and Barry's family learned about Barry's arrest. Nobody knew Barry was not at his home, which he rarely left.

42. Next, on February 2, 2024, Tucker invites the Tabloid Defendants to the Jail to watch video footage allegedly portraying Barry beating the female jailer. Tucker did so after the case had been submitted to the district attorney. Specifically, Tucker and the Tabloid published the following statements:

1. "Madison County Sheriff Randall Tucker would not release the video as the case is still under investigation but allowed this correspondent to watch the 20-second video and take notes."
2. "The guards managed to pull Gilmer off of the victim and throw him back into his cell."
3. "The incident lasted no more than 20 seconds but probably changed forever what remains of Barry Gilmer's life."

436 4. “Justice Court Judge Lloyd Spivey held Gilmer’s initial appearance only a
437 few hours after attack.”

438 5. “Sheriff Tucker said the case transferred (sic) to the District Attorney so it
439 can be presented to the grand jury.”

440 6. “Gilmer still resides in the Madison County jail, nine days after he entered
441 the facility.”

442 **D. Tucker’s concealment of Barry and the true facts**

443 43. On January 16, 2024, Barry’s conviction was affirmed by the COA in what is known as a judicial
444 decision or opinion. The COA maintained exclusive jurisdiction of the case and did not issue a
445 mandate until June 5, 2024. See *State Of Mississippi v. Barry Gilmer*, MSSCT No. 2022-CT-
446 00257-COA which may be accessed at <https://courts.ms.gov/index.php?cn=94783#dispArea>

447 44. On June 24, 2024 Spivey issued a mitimus (warrant) for Barry’s arrest. At said time, Spivey was
448 acting as an individual citizen because the Madison County Justice Court had zero jurisdiction
449 over Barry’s corpus or case.

450 45. On January 24, 2024, Madison County government officials entered upon Matt’s property
451 whereat Barry was a lawful tenant. Said government-officials presented Barry with the Bogus
452 Warrant executed by Spivey. The Bogus Warrant alleged that Madison County was vested with
453 authority to arrest Barry and incarcerate Barry for 12 days by jurisdiction of the Madison
454 County Justice Court. Barry was peaceful and compliant. The peace officers asked Barry to
455 drive himself to the Jail under law enforcement escort despite Barry’s infirmities, lack of a
456 vehicle, lack of a driver’s license, and no corrective vision glasses. At that point, Barry became
457 unlawfully seized, borrowed a vehicle, and drove himself to the Madison County Detention
458 Center.

459 46. From January 24, 2024 until January 26, 2024, Barry was deliberately deprived of daily
460 medications and proper medical care, including a proper evaluation of Barry's mental health
461 and perception of reality. This was brought about by the condition of the Jail, including policies
462 and procedure violations or the lack of adequate policies and procedures.

463 47. On January 26, 2024, Madison County, Tucker, Lt. Strait, and other John Doe Defendants
464 allowed Barry to be alone with a female jailer who left Barry's cell door open and furnished
465 Barry a dangerous object. As a result of Barry's diminished mental capacity brought about by
466 the acts of Defendants, an altercation ensued. According to Randall Tucker, the altercation
467 lasted less than twenty seconds and Barry was not harmed in the altercation. To the contrary,
468 Barry was beaten without provocation to the extent that Barry suffered the following which
469 Tucker, Strait, and Madison County did not treat for several days:

- 470 1. Diaphragmatic traumatic hernia (blunt force penetrating trauma to
471 the gut with internal bleeding);
- 472 2. Hemothorax (internal bleeding of the chest cavity);
- 473 3. Acute blunt trauma to the kidney with internal bleeding;
- 474 4. Comminuted fracture of the right scapula body and coracoid
475 process (multiple shoulder fractures and inoperable shoulder
476 injuries);
- 477 5. Multiple comminuted rib fractures on the right, with ribs 3-7
478 broken in 2 places consistent with flail chest (Detached Torso);
- 479 6. T12 Compression Fracture (Serious Broken Back);
- 480 7. Blunt trauma to the chest;

481 8. Exacerbation of serious infection;

482 48. From January 26, 2024 until January 29, 2024, three attorneys and multiple family members
483 were told that Barry was healthy, in a personal cell, and was not injured. These statements were
484 given by Lt. Strait at the behest of Tucker and Madison County. At the same time, Barry was
485 denied access to at least two lawyers and all family members who made multiple attempts to
486 visit him.

487 49. On January 29, 2024, Barry was transported to University Mississippi Medical Center
488 (“UMMC”) because “[t]hree days ago, [Barry] was assaulted in prison by guards. Per EMS
489 [emergency medical services], [Barry] suffered a UTI [urinary tract infection], became agitated,
490 and attempted to fight a female prison guard during his incarceration. [Barry] sustained blunt
491 trauma to the chest and abdomen.”

492 50. On February 2, 2024, the same day Tucker and the Tabloid Defendants published Barry was
493 presently residing in the Jail because the alteration was minor. However, at said time, Barry
494 was in the Surgical Intensive Care Unit (“SICU”) at UMMC. At that time and place, Barry
495 was required to undergo emergency reconstructive surgery that included implementation of
496 metal hardware to re-attach Barry’s chest and internal organs to Barry’s body. Said surgery was
497 the result of the Goon Squad beating.

498 51. Tucker, Strait, Biggert, and John Does 1-25, deliberately furnished UMMC false information
499 and hid Barry from his family under the alias Travis Bradley while at the same time furnishing
500 statements to the media that Barry was healthy residing in the Madison County Detention
501 Center.

502 52. Also, Biggert sued Barry, threw the suit papers upon Barry's unconscious body, in urine, and
503 never prosecuted the lawsuit, by and through her attorney, Paul Bridges.

504 53. At some point, Barry was returned to the Madison County Detention Center. Several weeks
505 later, Barry's family received notice that Barry had lost consciousness in the Madison County
506 Detention Center and was believed to be dead. Matthew Gilmer, Barry's son went to retrieve
507 Barry. However, Barry was not dead. Agents of Tucker and Madison County drug Barry's
508 unconscious body backwards in a wheelchair into the lobby of the detention center. Blood was
509 flowing from Barry's mouth and Barry's body was concealed intentionally by a blanket. When
510 the blanket was removed, Barry was encased in a body cast which concealed open surgical
511 wounds. The video footage of this event may be viewed at madisoncountycorruption.com.

512 **COUNT I - 42 USC §1983 - Fourth and Fourteenth Amendment Violations**

513 *Plaintiff v. Tucker, Strait, Biggert, John Does 1-25, Individually and in Their Official Capacities*
514

515 54. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

516 55. The conduct of the officers, county officials, and deputies identified in this count and described
517 herein constituted excessive and deadly force and violation of the 14th amendment of the United
518 States Constitution and clearly established law.

519 56. At all times material hereto, Defendants Tucker, Strait, Biggert, and John Does 1-25 were each
520 acting under the color of state law, as agents of Madison County, Mississippi, and within the
521 scope of their employment and authority as duly-certified law enforcement officers of Madison
522 County, Mississippi.

523 57. At all times material hereto, Defendants Tucker and Strait were acting in a supervisory capacity
524 as the head of operations of the Madison County Detention Center and directly participated in
525 violating Barry Gilmer's federally protected constitutional rights.

526 58. At all times material hereto, Defendants Tucker, Strait, Biggert, and John Does 1-25, were on
527 notice that Barry Gilmer was a vulnerable adult by virtue of his age and his infirmities. Said
528 Defendants had no reason to leave Barry Gilmer unattended with dangerous objects or in a state
529 of confinement that would reasonably result in Barry Gilmer being seriously injured.

530 59. Every reasonable officer/jailer would have known that using such force against a seventy-eight-
531 year-old vulnerable adult constitutes excessive force in violation of the Fourth Amendment.

532 60. Defendants' use of deadly force in beating Barry Gilmer to the near brink of death was
533 objectively unreasonable and violated clearly established law.

534 61. It was a violation of Barry Gilmer's Fourth and Fourteenth Amendment rights for Tucker,
535 Strait, Biggert, and John Does 1-25 not to render Barry Gilmer medical aid following Barry
536 Gilmer's savage beating, which demonstrated a serious medical need. Barry Gilmer's first
537 intake record at UMMC is explicit that **Barry's injuries were sustained due to jail assault**
538 **three days prior, thus evidencing Defendants' intentional and deliberate deprivation of**
539 **medical care.** Said deprivation exacerbated the injuries above causing Barry to sustain multiple
540 strokes stemming from the head trauma inflicted by Defendants upon Barry. Barry's stroke-
541 incidents were and are totally debilitating which are the direct and proximate result of the acts
542 and omissions pleaded herein.

543 62. As a result of Tucker, Strait, Biggert, and John Does 1-25's unjustified, excessive, illegal and
544 deadly force, Barry Gilmer nearly died and remains bedridden in a long-term care facility with

zero understanding of reality. In simple terms, Defendants beat Barry into a vegetative state in the same fashion Barry investigated years ago, also known as the “Goon Squad”.

63. In addition to these uses of unjustified, excessive, illegal and deadly uses of force, each of the Defendants had a duty to intervene on behalf of a vulnerable adult whose constitutional rights were being violated in their presence by another officer. Tucker, Strait, Biggert and John Does 1-25 observed and were in a position to intervene, either physically or remotely, and stop both Barry Gilmer’s beating and Barry Gilmer’s post-beating deprivation of medical care. Instead, said Defendants persisted and perpetuated Barry’s cruel and unusual punishment by allowing Barry to suffer three days without medical care.

64. It is undisputed that Barry Gilmer peacefully and cooperatively submitted himself to the custody of Tucker, Strait, Biggert, and John Does 1-25, and therefore, Defendants unjustifiably created the scenario that led to Barry Gilmer’s savage beating and deprivation of medical care. But for the acts and omissions of said Defendants, Tucker, Strait, Biggert, and John Does 1-25, Defendants never had a reasonable fear of imminent bodily harm, nor would they have a reasonable belief that any other person was in danger of imminent bodily harm from Barry Gilmer. According to Tucker and the Tabloid Defendants, “[t]he guards managed to pull [Barry] Gilmer off of the victim and throw him back into his cell...[t]he incident lasted no more than 20 seconds...”.

65. The injuries sustained by Barry Gilmer in twenty seconds are the direct result of a savage, unjustified use of excessive force that was exerted upon Barry Gilmer so fast and so violent that Barry sustained the injuries pleaded herein. Tucker admits through media statements that the altercation lasted less than twenty seconds’ time. Therefore, Barry Gilmer was not furnished

567 sufficient time to comply with officer's commands, or said Defendants had less than twenty
568 seconds to justify the use of deadly force upon Barry.

569 66. Madison County and its Sherriff's Department have long been known to premeditate "Goon
570 Squad" beatings. In fact, it's a policy of the Madison County Detention Center. This heinous
571 and unconstitutional policy was premeditated by Tucker, Strait, and Madison County.

USE OF FORCE: All Detention Center staff members have authority to take immediate necessary action to prevent acts of violence, destruction, escape attempts, or to restore order. Such action includes the use of OC (Pepper) spray and/or physical force for personal protection, protection of other persons, and to maintain order. If you decide to physically assault or harm an officer, your efforts will be met with physical force and your efforts will be futile. Any inmate who assaults an officer or staff member will be prosecuted for assault on a law enforcement officer.

This policy in no way restricts the authority of the Sheriff or Jail Administrator to remove or restrict privileges or lockdown inmates to ensure the security of the facility.

572
573 According Tucker's and Madison County's policy above, there is no consideration of a
574 detainee's special needs, age, infirmities, or any other mitigating circumstance which might
575 lead to an unintentional physical altercation. There is also no consideration for the escalation
576 of force from verbal command to deadly force, a clearly established doctrine of law. Instead,
577 Tucker and others predetermined that, should a detainee, vulnerable or otherwise, "decide to
578 physically assault or harm an officer, [that detainee] will be met with physical force and [the
579 detainee's efforts] will be futile." The policy then guarantees the malicious prosecution of the
580 detainee with zero provision that provides for review of the circumstances or special needs of
581 the detainee. In other words, Tucker and Madison County affirmatively and premeditated an
582 unconstitutional policy to immediately result to deadly force no matter the circumstances,
583 physical condition, or mental condition of the detainee.

584 67. At the time Barry was beaten, Barry was suffering from mind altering infirmities and
585 deprivation of daily prescription medicines. In violation of Barry Gilmer's Fourth and

Fourteenth Amendment rights, Defendants immediately began savagely injuring Barry Gilmer using unnecessary, gratuitous, and disproportionate force arising from a baton, taser, hand-to-hand combat, or other blunt force instruments. It is factually impossible for a Defendants, Tucker, Strait, Biggert, and John Does 1-25 to have evaluated such an altercation and escalate the proper use of force in under twenty seconds. The policy above corroborates a premeditated decision to infringe upon Barry's federally protected constitutional rights and the constitutional rights of others detained within the Madison County Mississippi Detention Center.

68. As a direct and proximate result of the acts and omissions described herein, Barry Gilmer sustained compensatory and special damages as defined under federal common law and in an amount to be determined by a jury.

69. Punitive damages are available against Defendants, Tucker, Strait, Biggert, and John Does 1-25 and are hereby claimed as matter of federal common law under *Smith v. Wade*, 461 U.S. 30 (1981) and as such, are not subject to the pleading requirements or the differing standard of proof set forth codified by Mississippi statutes.

70. Plaintiff is entitled to recovery of costs, including reasonable attorney's fees, under 42 U.S.C. 1988.

**COUNT II - 42 USC §1983 - *Monell Liability and
Violation Of The Federal Patient Self Determination Act***

Plaintiff v. Madison County, Mississippi, Tucker, and Strait

71. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

72. The altercation giving rise to this Complaint allegedly occurred in the medical-wing of the Madison County Detention Center.

73. Madison County, Mississippi entered into a “Service Agreement...to provide Health Care Services to the inmates at the Madison County Detention Center” with VitalCore Health Strategies (“VitalCore”) paid by Madison County using Madison County Tax-Payer dollars at a base compensation rate of “\$1,313,180.00” for the years 2023 through late 2024 (the period during which Barry’s rights were violated). The Agreement was considered and ratified on September 18, 2023 by Madison County through unanimous vote of the Board Of Supervisors. Upon information, belief, and pursuant to public records, Madison County has engaged in a habitual pattern and practice of failing to oversee or otherwise monitor the activities of VitalCore. Madison County was and is deliberately indifferent to the need of proper training or oversight of detainee’s medical care as provided by VitalCore. Madison County, through VitalCore, committed acts and omissions at the Madison County Detention Center which was, in part or in whole, the proximate cause of Barry’s savage beating and deprivation of medical care. Public records reflect that Madison County relies exclusively upon the representations of Tucker, and therefore, has consistently and deliberately failed to supervise or otherwise independently audit VitalCore’s policies, procedures, acts, and omissions, and has done so since 2020. Madison County engaged in the same deliberate indifference with regard to Tucker and his representations to the Board Of Supervisors, aka Madison County – a governmental entity as defined by 42 U.S.C. 1983.

631 74. Madison County, through its policy makers, had knowledge of VitalCore's deliberate
632 indifference for detainee's healthcare and failure to properly administer healthcare, aka deprive
633 detainees of medical care, such as Barry Gilmer.

634 75. It is clearly established by federal law that when a governmental entity enacts or otherwise
635 charges a private entity with a task, that private entity is acting under the color of law, and
636 therefore, the governmental entity stands in the stead of the private entity. Pursuant to 42
637 U.S.C. §1983, and its interpretation by the federal judiciary, Madison County is responsible for
638 the acts and omissions of VitalCore, Tucker, Strait, and others placed in charge of Barry's
639 healthcare. Barry Gilmer incorporates the facts and matters set forth throughout this
640 Complaint and alleges that his constitutional rights were violated by Madison County and its
641 failure to monitor the healthcare system Madison County implemented at the Madison County
642 Detention Center by vote and ratification of charging VitalCore with the duty of intaking,
643 evaluating, and monitoring the health care of detainees housed within the Madison County
644 Detention Center. Also, Tucker consented to this arrangement as he presented it to the
645 Madison County Board Of Supervisors and signed the Agreement as a consenting party.

646 76. Madison County, through VitalCore, failed to properly evaluate Barry's health upon intake,
647 failed to diagnose or otherwise discover that Barry was suffering from a mind-altering UTI,
648 failed to administer daily medications to Barry, failed to implement policies and procedures
649 ensuring that Madison County's Detention Center Medical Unit/Wing was properly staffed,
650 monitored, or otherwise operating at a standard then and there consistent with standards
651 acceptable in the medical community, and failed to care, or otherwise maintain proper custody
652 over Barry, a vulnerable, mentally and physically infirm adult. Additionally, Madison County,

653 by and through VitalCore, failed to render medical care to Barry or otherwise caused Barry to
654 be deprived of medical care for three days after Barry was savagely beaten by Biggert, Strait,
655 Tucker, and Tucker's "Goon Squad" that Tucker pledged to carry forward during his endorsed
656 campaign as the predecessor of for Sheriff Toby Trowbridge. Tucker campaigned under
657 Trowbridge's endorsement and vowed "I will continue the high level of law enforcement and
658 justice Madison County residents expect and have enjoyed under Sheriff Toby Trowbridge."

659 77. When Barry's unconscious body was drug out of and released into the Madison County
660 Detention Center lobby, agents of Strait and agents of Madison County refused to inform
661 private medical personnel of Barry's condition and injuries. But for Barry's family and the
662 ambulance service standing by, the acts and omissions of Madison County would have rendered
663 Barry dead.

664 78. Madison County, by and through VitalCore, Tucker, and Strait, concealed Barry from his
665 family and medical physicians for weeks despite Tucker being served with Barry's advanced
666 health care directive and durable power of attorney appointing his son, Matthew Gilmer, as
667 agent over Barry's body and affairs. At all times material hereto, Tucker and Madison County
668 were listed as the healthcare decision-makers with UMMC. Tucker, Strait, and Madison
669 County, with absolute deliberate indifference to the healthcare needs of Barry Gilmer, ignored
670 said documents, made autonomous and exclusive healthcare decisions which directly affected
671 Barry's life and body, and refused to furnish Matthew or Barry's family information regarding
672 said decisions and Barry's health.

673 79. Barry suffers from a rare blood disorder, has a personal and religious aversion to blood
674 transfusions, and furnished Matthew standing instructions that he did not wish to be placed on

675 life support in the event of a life-threatening event. Madison County, through VitalCore,
676 Tucker, and Strait, directed Barry's healthcare with deliberate indifference to Barry's religious
677 beliefs and *intuitu mortis* instructions and desires. The acts and omissions of Tucker, Strait,
678 and Madison County, in concert with and through its agent VitalCore, constitute a direct and
679 heinous infringement of Barry's Fourteenth Amendment right to due process which guarantees
680 Barry protection against government interference in deeply personal decisions, including his
681 right to make healthcare and end-of-life choices.

682 80. Barry's rights were unlawfully infringed upon by Madison County and its agents (Tucker,
683 Strait, and not limited to VitalCore) as Barry's ability to make autonomous healthcare and end-
684 of-life decisions—rights firmly rooted in constitutional protections and statutory mandates—
685 was unjustly curtailed. The constitutional principles of privacy, due process, and equal
686 protection, as recognized by the U.S. Supreme Court, safeguard an individual's authority to
687 make deeply personal decisions, including those pertaining to medical treatment and the refusal
688 thereof. Further, statutory measures such as the Patient Self-Determination Act and applicable
689 federal law, explicitly empower an individual to establish advance directives, refuse life-
690 sustaining treatment, and, in jurisdictions where permissible, access physician-assisted death.
691 By obstructing Barry's exercise of these rights, the offending actions constituted a direct
692 violation of Barry's legally and constitutionally protected autonomy in matters fundamental to
693 his personhood and dignity.

694 81. As a direct and proximate result of the acts and omissions described herein, Barry Gilmer
695 sustained compensatory and special damages as defined under federal common law and in an
696 amount to be determined by a jury.

82. Punitive damages are available against Defendants Madison County, Mississippi, Tucker, and Strait, and are hereby claimed as matter of federal common law under *Smith v. Wade*, 461 U.S. 30 (1981) and as such, are not subject to the pleading requirements or the differing standard of proof set forth codified by Mississippi statutes.

83. Plaintiff is entitled to recovery of costs, including reasonable attorney's fees, under 42 U.S.C. 1988.

COUNT III - 42 USC §1983 - *Canton Liability*

Plaintiff v. Madison County, Mississippi, Tucker, and Strait

84. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

85. Defendant Madison County, Mississippi, including its governing officials, policymakers, and employees, acting under color of state law, failed to adequately train, supervise, or discipline it's the staff in its employee at the Madison County Mississippi Detention Center and failed to properly monitor or enforce its contractual obligations with VitalCore Health Strategies, LLC, with deliberate indifference to the constitutional rights of individuals in its custody, most particularly – Barry Gilmer.

86. Specifically, Madison County, Tucker, and Strait, in their capacities as policymakers and administrators, failed to ensure that deputies/jailers were trained and supervised to prevent the use of excessive force, including the use of physical violence against detainees, such as Plaintiff Barry. This failure directly resulted in deputies beating Barry nearly to death.

87. Madison County, Tucker, and Strait also failed to modify or enforce its contractual arrangement with VitalCore, the entity responsible for providing medical care to detainees, despite knowledge that VitalCore's were and are deliberately indifferent to the medical needs of individuals in custody of Tucker, Strait, Madison County, Mississippi and its Detention Center.

720 88. As a direct result of the acts and omissions alleged herein, Barry was deliberately deprived of
721 necessary and timely medical care, compounding the harm caused by the excessive force and
722 causing additional pain, suffering, and lasting injury.

723 89. Denying Barry life-saving medical care for three days constitutes cruel and unusual punishment
724 in violation of the Eighth Amendment. The deliberate indifference to Barry's serious medical
725 needs, particularly following a life-threatening Goon Squad incident, reflects a complete
726 disregard for basic human dignity and the minimal civilized standards of decency mandated the
727 Federal Constitution. By knowingly withholding necessary medical treatment despite clear and
728 urgent signs of his deteriorating condition and please by Barry's next-of-kin, those responsible
729 subjected Barry to unnecessary pain, suffering, and an increased risk of death. This egregious
730 failure to provide timely medical intervention, especially while Barry was in custody and wholly
731 dependent on Madison County and Tucker for his care, directly violates the protections
732 afforded by the Eighth Amendment against inhumane treatment.

733 90. The actions and inactions of Madison County, Tucker, and Strait demonstrate a pattern of
734 deliberate indifference to the rights of detainees, amounting to a policy or custom under *Monell*
735 *v. Department of Social Services of New York* and its progeny.

736 91. The deliberate indifference by Madison County, Tucker, and Strait was a moving force behind
737 the constitutional violations suffered by Barry, including but not limited to his rights under the
738 Fourth, Eighth, and Fourteenth Amendments of the United States Constitution.

739 92. As a direct and proximate result of Madison County's failure to train, supervise, and enforce
740 appropriate contractual practices with VitalCore, Barry suffered severe physical and emotional
741 harm, pain and suffering, and incurred medical expenses, for which Madison County is liable.

COUNT IV – Violation of the Fourteenth Amendment – Stigma Plus

Under 42 U.S.C. 1983 and *Paul v. Davis*

Plaintiff, v. Tucker, Strait, Biggert, Whitehead, Hendrix, Jackson Jambalaya

and John Does 1-25

Plaintiff v. Madison County, Mississippi, Tucker, Strait and Pamela “Pammi” Hancock

93. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

94. Barry brings this claim against Defendants Tucker, Strait, and Pammi Hancock for actions that deprived him of liberty interests protected under the Due Process Clause of the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. § 1983.

95. Tucker, Strait and Pammi maintain a close and conspiratorial relationship with Jackson Jambalaya and its owner, Whitehead-Hendrix. The footage of Barry’s assault was only released to said Tabloid Defendants.

96. At the time of Barry’s savage assault, Barry was an upstanding lawyer, widely respected in his community and bound by the ethical and professional oath of his profession. Throughout his career, Barry has demonstrated unwavering commitment to the rule of law, justice, and the ethical obligations imposed by his legal practice. His professional reputation and standing in the legal community have been impeccable, making Defendants’ actions particularly egregious and injurious.

97. Barry alleges that Defendants, acting under color of state law, disseminated false and defamatory statements that impugned his reputation. Specifically, Defendants provided the false information exclusively to a known tabloid journalist, Jackson Jambalaya, who is notorious for publishing sensational and defamatory stories. Jackson Jambalaya operates a publication owned by James Whitehead, an individual who has changed his name to avoid public exposure of his predilection toward engaging in inappropriate conduct involving minor children.

Whitehead, using his publication as a tool, has built a reputation for spreading unverified and damaging stories.

98. Defendant Pammi Hancock, in particular, has a financial relationship with Whitehead-Hendrix and his enterprise, Jackson Jambalaya. Hancock regularly pays the enterprise money for advertising displayed on the Jackson Jambalaya platform. This relationship underscores the corrupt and unethical nature of the dissemination, as it was made through a publication widely known for prioritizing sensationalism over truth and journalistic integrity as furnished to Hancock in a manner which extends beyond her immunity as county prosecutor.

99. Defendants falsely labeled Barry as violent criminal and provided this defamatory information to Jackson Jambalaya, knowing it would be published widely to the detriment of Barry's reputation. These statements, once publicized, caused irreparable harm to Barry's professional reputation, both in his community and within the legal field. As a lawyer, Barry's career relies on the trust and respect of his peers, clients, and the judiciary—qualities that were undermined by Defendants' reckless actions.

100. The false information was not accompanied by any procedural protections to allow Barry to contest or refute the allegations because Barry was non-compos-mentis as a result of the savage Goon-Squad beating. As a direct result, Barry's professional integrity and livelihood as a practicing lawyer were severely harmed. The reputational damage was exacerbated by the known dishonesty and sensationalism of Jackson Jambalaya and the corrupt financial ties between Whitehead, Hancock and Tucker.

101. In addition to reputational harm (the "stigma"), Defendants' actions resulted in a tangible alteration of Barry's legal status or the deprivation of a tangible interest (the "plus"). This

788 included the loss of current and prospective clients, damage to his ability to practice law
789 effectively, denial of professional opportunities, and harm to his standing within the legal
790 community. Furthermore, as a direct result of the defamatory statements and their widespread
791 dissemination, Barry was denied admission to over 50 long-term care treatment facilities
792 required as a result of the acts incorporated herein. Each facility, upon reviewing the false and
793 defamatory information disseminated by Defendants, declined to provide Barry the necessary
794 care, causing significant harm to Barry's health and well-being.

795 102. The combined stigma and tangible harm inflicted by Defendants constitute a deprivation of
796 Barry's liberty interest without the procedural protections guaranteed under the Due Process
797 Clause. Defendants acted under color of state law when they made and disseminated false and
798 defamatory statements about Barry. Their conduct deprived Barry of his liberty interests,
799 including his reputation and ability to pursue employment or other tangible opportunities,
800 without providing adequate due process protections. The harm caused to Barry by the
801 Defendants' actions satisfies the "stigma-plus" standard under *Paul v. Davis*, as it involved
802 both reputational harm and a deprivation of tangible or legal rights.

803 Barry prays for judgment against Defendants as follows: a declaration that Defendants' actions
804 violated Barry's constitutional rights under the Fourteenth Amendment; compensatory
805 damages for reputational, professional, and economic harm caused by Defendants' actions;
806 punitive damages to deter future misconduct; attorneys' fees and costs pursuant to 42 U.S.C.
807 § 1988; and any other relief the Court deems just and proper.

808 **COUNT V – Libel, Slander, Defamation**

809 *Plaintiff v. Jackson Jambalaya, Whitehead and Hendrix*

810 103. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

104. Barry brings this claim against James Whitehead, Hendrix, and Jackson Jambalaya for libel, defamation, and slander under Mississippi law. Defendants published and disseminated false and defamatory statements about Barry, including accusations of extreme violence that would change Barry's life "forever". The same was carried out through Jackson Jambalaya, a tabloid publication owned by Hendrix-Whitehead and widely known for publishing sensational and unverified content. These statements, made with actual malice and reckless disregard for the truth, targeted Barry's reputation as a firm but upstanding lawyer and caused significant harm to his professional and personal life. Defendants knowingly or recklessly ignored the falsity of their claims, failing to conduct any reasonable investigation. As a result, Barry has suffered irreparable harm, including damage to his reputation, loss of clients, denial of long-term care treatment by over 50 facilities, and severe emotional distress. Barry seeks compensatory and punitive damages for the harm caused, an injunction to prevent further defamatory actions, attorneys' fees, and any other relief deemed appropriate by the Court.

COUNT VI - 42 U.S.C. 1983

Plaintiff v. Pamela Hancock and Lloyd Spivey

105. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

106. Plaintiff alleges that Defendant Lloyd Spivey acted without jurisdiction in issuing a warrant for Plaintiff Barry's arrest, as the Mississippi appellate courts had exclusive jurisdiction over Barry's case at the time. This unlawful action was confederated and facilitated by Defendant Pamela Hancock, the Madison County Prosecutor, who admitted to "jumping the gun" in pursuing the warrant.

107. The false warrant triggered a series of events that caused catastrophic harm to Plaintiff, including severe physical and emotional injuries that has left him bedridden and non-compos mentis for life. Defendants' actions were undertaken with reckless disregard for Plaintiff's rights and without proper jurisdictional authority, amounting to abuse of process and infringement upon Barry's federally protected right to due process, freedom from unlawful search and seizure, freedom from excessive bail, and access to medical care.

108. As a result of Defendants' actions, Plaintiff has suffered permanent and irreparable harm, and he seeks compensatory and punitive damages, as well as any other relief the Court deems just and proper.

COUNT VII – Surety Liability

Plaintiff v. John Doe Surety Company

109. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein. Plaintiff alleges that John Does 1-25 are individuals or entities currently unknown to Plaintiff who committed the acts and omissions alleged above, either individually or in concert with other named Defendants. These unknown defendants participated in, contributed to, or otherwise facilitated the wrongful conduct described herein. Plaintiff reserves the right to substitute the true names and capacities of John Does 1-25 with their proper identities once such information becomes known through discovery or other means. Plaintiff intends to amend this Complaint accordingly to ensure that all responsible parties are properly named and held accountable for their actions.

COUNT VII – Surety Liability

Plaintiff v. John Doe Surety Company

110. Plaintiff incorporates and re-alleges all preceding paragraphs as though fully pleaded herein.

111. Under Mississippi law, the unlawful actions of a sheriff are compensated, in part, through the bond required by statute to ensure the faithful performance of the sheriff's duties. This bond

860 serves as a financial safeguard for individuals harmed by the sheriff's misconduct or failure to
861 comply with the law. In this case, John Doe Surety Company is unknown to Plaintiff, as the
862 surety on the sheriff's bond, and said Party is being sued for the same alleged wrongful acts
863 committed by the sheriff. The lawsuit asserts that the surety is jointly liable for damages arising
864 from the sheriff's actions, consistent with Mississippi's legal framework for holding both public
865 officials and their sureties accountable for breaches of public duty.

866 **Payer For Relief**

867 WHEREFORE, Plaintiff respectfully prays that this Court grant the following relief:

- 868 a. An award of general and special damages in an amount to be determined at trial, sufficient
869 to compensate Plaintiff for the injuries and harm suffered as a result of Defendant's unlawful
870 actions;
- 871 b. Compensation for all litigation expenses, including reasonable attorneys' fees and costs,
872 with interest accruing at the maximum legal rate until fully paid;
- 873 c. An award of punitive damages in an amount sufficient to punish Defendant for their
874 egregious misconduct and to deter similar conduct in the future;
- 875 d. Such other and further relief as the Court deems just, proper, and equitable under the
876 circumstances.

877
878
879 Respectfully Submitted,
880 Barry W. Gilmer

881
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